

# **EXHIBIT 3**

**NORTH CAROLINA**  
**DEPARTMENT PUBLIC SAFETY**

**DIVISION OF ADULT CORRECTION, PRISONS**

**Inmate Request for Religious Assistance  
Fact Sheet**

Name: James Kelliher

Number: 0830958

Location: Nash CI 3710

Date: 8/30/16

**The Fact Sheet is for use in requesting assistance with regard to religious matters. Before completing this document, be certain that you thoroughly understand what is being requested. Should you have any questions, feel free to consult with your chaplain.**

Be aware that the information you provide is subject to independent investigation and verification. It is of utmost importance that you give *complete* information and that you *clearly* state the exact nature of your concern(s). Failure to do this will only delay the chaplain or designated staff's effort to be of assistance. Please attach extra pages of any printed religious material that you think would be helpful.

**I. Religious Information**

- A. The official name of your religion: Missouri Synod Lutheran
- B. The name and address of the chief official or religious leader of your religious group: Rev. Matthew Harrison, 1333 South Kirkwood Rd, St. Louis, Missouri, 63122 (314)-965-9000
- C. When and where were you initiated into this religious group or have you formally become a member? (Be as specific as possible) I formally completed confirmation 1/10/2007 at Alexander CI
- D. Name and address of the minister or religious leader who initiated you into this religion: Pastor Ted Rappe, 1605 Van Buren Ave, Fayetteville, NC 28303 (910)-488-601
1. Is this person currently on your Approved Visitor's List? ☒ Yes ☐ No
2. Do you maintain active contact? ☒ Yes ☐ No
- E. If different from I-D above, give the name and your present minister, religious advisor or spiritual guide: N/A
1. Is this person currently on your Approved Visitor's List? ☐ Yes ☐ No
2. Do you maintain active contact? ☐ Yes ☐ No
- F. Are you currently a member of a church or branch of this faith group? ☒ Yes ☐ No
- If yes, give the name and address of the religious organization: Our Redeemer Evangelical Lutheran Church, a Missouri Synod Lutheran Church

- G. By what means do you learn of the current activities and/or concerns of your religious group? (Be as specific as possible) "Portals of Prayer" - Concordia Publishing House, St. Louis, My visits w/ Pastor Ruppel, speaking w/ family.

## II. BASIC BELIEFS

Please state briefly, but clearly, the basic teachings and beliefs which you and your religious group affirms. (Use additional pages if necessary) Please see attached page "II"

## III. ESSENTIAL PRACTICES AND MATERIALS/ITEMS

Please state briefly, but clearly, the practices that are essential to your religion and the materials/items that are essential to those practices; and, identify for each the religious authority, law or teaching that mandates or encourages the practice or item. (Use additional pages if necessary) See attached III page

## IV. REQUEST FOR RELIGIOUS ASSISTANCE

Please describe exactly the nature of your request(s). It is vital that you be specific and clear.

Feel free to use additional pages if necessary. See attached IV page

## V. GRIEVANCE

Have you filed a Grievance concerning the issue(s) set forth in this writing?

GRB Grievance No: 00870

Unit Grievance No: 3710-2016-2CL-02106 If yes, give the date: 7/11/16

## VI. ADDITIONAL PERSONAL COMMENTS

Please feel free to make any additional statement that you think will help you to explain your religious request/concern(s). See attached VI page

The information provided in this document is, to the best of my knowledge, truthfully and accurately stated.

James Meller  
(Signature)

8/30/16  
(Date)

### DISTRIBUTION:

Facility Head

Chaplaincy Services Director

Chaplain/Designated Staff

## II Question

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### • Basic Beliefs •

• Please state briefly, but clearly, the basic teachings and beliefs which you and your religious group affirms.

In gist, the Missouri Synod Lutheran Faith stands on Martin Luther's teachings and catechism (both large and small). The basic teachings and beliefs surround the Ten Commandments (God's), the Chief Articles of Our Faith (~~the~~ Apostles' Creed), the Prayer ("Our Father"), Baptism (a Sacrament), and the Sacrament of the Altar (Lord's Supper of bread and wine undergoing <sup>con</sup>transubstantiation to The Body & The Blood of Christ). These are considered all together as the five whole parts of Christian doctrine. The first three of these are the most necessary parts of Christian teaching" while Baptism and the Lord's Supper are our Sacraments. Luther quotes St. Augustine in the Large Catechism saying "When the Word is joined to the element or natural substance, it becomes a Sacrament," "that is, a holy and divine matter and sign."

The Sacrament of the Altar (Lord's Supper) is the point of contention, so I'll focus on this key tenet. We receive, in the Lord's Supper, a great "treasure": the forgiveness of sins. "The whole Gospel is comprehended in this Sacrament and is offered to us through the Word, which promises that in and under the bread and wine we receive the body and blood that was sacrificed on the cross for our salvation. Those who believe the Words of promise receive <sup>the</sup> forgiveness this Sacrament promises. Luther urges Christians to receive the Sacrament frequently. Those who realize the enormity of their sin [see the bar of the Ten Commandments who can say they are w/o sin?], how many dangers abound [temptations etc], and how great Christ's gifts are that are given in the Sacrament will receive the Lord's Supper as often as possible. This is

## II Question

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Supper every Lord's Day and on other festival days to those wishing to receive it," states Rev. Paul T. McClain in summarizing the need for the Lord's Supper. Luther writes that "the chief point" is God's Word and ordinance or command. For the Sacrament has not been invented nor introduced by any man without anyone's counsel and deliberation it has been instituted by Christ... It is the true body and blood of our Lord Jesus Christ, in and under the bread and wine, which we Christians are commanded by Christ's Word to eat and to drink (Large Catechism). Luther quotes ~~the~~ the last supper "This is My body and blood, given and shed for you for the forgiveness of sins" before explaining "For this reason we go to the Sacrament: there we receive such a treasure by and in which we gain forgiveness of sins."

What happens to those who do not partake of the Lord's Supper?

Luther writes that the "[Devil] tries every trick and does not stop until he finally wears us out; so that we either renounce our faith or throw up our hands and put up our feet, becoming indifferent or impatient. [Some] pretend that it is enough to believe without it. For the most part, they go so far astray that they become quite brutish and finally despise both the Sacrament and God's Word." "Nevertheless, it must be known that people who deprive themselves of and withdraw from the Sacrament for such a long time are not to be considered Christians." Luther quotes St. Hilary "If anyone has not committed sin for which he can rightly be put out of the congregation and be considered no Christian, he ought not stay away from the Sacrament, lest he

### III Questions

Essential Practices: Materials/items

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- Please state briefly, but clearly, the practices that are essential to your religion and the materials/items that are essential to those practices; and, identify for each the religious authority, law or teaching that mandates or encourages the practice or item.

I will again focus on the point of contention of the Lord's Supper, although "Baptism is most solemnly and strictly commanded so that we must be baptized or we cannot be saved." Please recall the Missouri Synod Lutherans 2 Sacraments from Question II: Baptism and the Lord's Supper. Luther writes "every Christian also ought to have at least an ordinary, brief instruction about the Sacraments, because without them he cannot be a Christian." This, as the responses to Question II, highlights the importance of partaking of the Lord's Supper. As all four versions of the Lord's Supper state (Matthew, Mark, Luke, & John), the Lord's Supper must be bread and wine. John 6:53-56 clearly backs this, and <sup>so</sup> does Luther's Catechism (Large and Small). There is no separation of the bread and wine, as there is no separation of the Body and the Blood. There is no substitution for the bread or wine, as there is no substitution for the Body or the Blood. Luther repeatedly encourages partaking of the Lord's Supper, because therein is the forgiveness of sins.

My pastor preaches and reads from the Gospel readings contain in the Sunday Sermon pamphlet. The hymnal is required to go through the rites prior to receiving the Lord's Supper.

## IV Question

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### Request for Religious Assistance

• Please describe exactly the nature of your request(s). It is vital that you be specific and clear.

I am requesting the following:

(a) the Sunday sermon pamphlet;

(b) the hymnal (which contains Absolution rites etc),

(c) the Lord's Supper (bread & wine),

into either visitation or any area that is fitting.

The Lord's Supper is contained in all see-through packages. The small bottle (plastic), small container for the wafers/bread (plastic), and small single-use plastic communion glasses (less than 2 of one fluid ounce). To be able to consume (1) water; (2) glass of wine w/ my pastor who also partakes (two or more gathered in My Name).

(d) to allow my pastor to visit once a week without it counting against regular visitation limit of one visit per week. I understand that it is still "first come first serve" but the visitation room isn't near capacity during the week when he visits.

My pastor brings in the objects described in (a)-(c), and leaves the Sunday sermon pamphlet with me while taking the other items back out with him. The pamphlet is roughly a 8 1/2 x 11 size paper that is folded and contains the weekly readings.

## VI Additional Personal Comments

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I have been able to exercise my religious beliefs for many years at 3 other facilities (Alexander CI, Wayne CI, and Pender CI). There has never been any major issues that resemble this complete denial. The only two issues involving the Lord's Supper occurred when OCS Prison required that everything coming into the facility be see-through, so we went from the chalice to glass communion cups; which at some point became an issue, so we adjusted to plastic cups. I have not ever experienced the one allergy visit per month that is unwritten policy here according to Mr. Hawkins. This isn't located in any of the visitation or religious policy manuals.

There has never been any investigations or collusion to any type of misuse or misconduct whatsoever. I understand the concern that OCS Prison has of inmates consuming non-religious alcohol in large amounts but this doesn't apply to me and my situation. The wine is for religious purposes and is such a small amount that any level of intoxication isn't feasible. This eliminates those concerns. My beliefs are sincere and it is my desire to be able to resume practicing them.